

MINUTES OF THE MEETING OF GWENNAP PARISH COUNCIL

HELD AT THE PARISH ROOMS, PULLA CROSS ON

20th FEBRUARY 2020 at 7.00pm



Present: Cllr Patton (Chair), Cllrs Hallett, Cllr Lanyon, Cllr Forrest, Cllr Pascoe, Cllr Hitchens

Also present: Clerk, Cornwall Cllr Kaczmarek, Mr & Mrs Rollason (Frogpool & Cusgarne FC & Dogs Days Out), Mr K Moseley (Agent for PA20/00590), Mr Datson (PA20/00590), + 9 members of public

19/191 CHAIR'S WELCOME & ELECTION OF VICE CHAIR The Chair welcomed everyone, and explained the rules and procedures of the meeting, in particular to those members of the public wishing to speak in the Public Clinic. The resignation of Cllr Leach was noted, along with the Council's gratitude to Cllr Leach for his commitment to the Parish Council for the last four years.

RESOLUTION: The Chair proposed that Cllr Hallett be elected as the new Vice Chair, this was seconded by Cllr Forrest and carried unanimously by the Council.

19/192 APOLOGIES None, all present

19/193 DECLARATION OF INTERESTS None declared.

19/194 PUBLIC CLINIC

- Mrs Rollason spoke about a 'Dogs Day Out' 36 class dog show event she wishes to hold at the Playing Field on 23rd or 24th May, to raise funds for Frogpool & Cusgarne FC (of which she is a committee member). This is an already established event held at other venues that raises funds for local charities. Mrs Rollason gave excellent reassurances of how the event would be controlled and managed to ensure cleanliness and hygiene, and confirmed that she is licensed and insured to run such events. Mrs Rollason requested that the Parish Council grant a temporary 1-day lift of the no-dog policy to allow the event to go ahead on the club's pitch. She thanked the Council for their consideration and answered questions.
- Mr Moseley spoke on behalf of the applicants for PA20/00590. Mr Moseley explained that the business site is being retained within the family, and the site will continue to be used for business operations, albeit a different business. The application involves the creation of a mixed-use development of the site in a live/work capacity. Mr Moseley cited policies within the Cornwall Local Plan and NDP that support such developments. Mr Datson (applicant) spoke about his application and he and Mr Moseley answered Cllrs questions regarding any possible increase in traffic movement to/from the site, consultation with neighbours and using the NDP Design Guide check list to encourage sustainable and appropriate development.

19/195 TO NOTE A CODE OF CONDUCT ASSESSMENT DECISION – Breach of Code of Conduct (Cllr Lanyon)

195.1 The Council noted a Code of Conduct Assessment Decision (ref. CCN013/19/20), circulated to all Cllrs in advance of the meeting. The investigation found Cllr Lanyon to have been in breach of the Code of Conduct on four counts, concerning his actions in November 2019 ref. a proposed development.

195.2 *RESOLUTION: Council resolved to adopt the recommended outcomes of the report, with four Cllrs in favour of adopting the recommendations and one abstention (because the Cllr had not read the report in full).*

19/196 CENSURE STATEMENT REGARDING CLLR LANYON'S BREACH OF THE CODE OF CONDUCT AND FAILUR TO COMPLY WITH THE SANCTIONS POSED

196.1 The Chair read the following Censure Statement:

"At a meeting of Gwennap Parish Council held on 20th February 2020, the Council resolved to adopt the outcomes of the Decision Notice CCN013/19/20 issued by the Monitoring Officer in respect of a breach of the Council's Code of Conduct. Councillor Lanyon is formally censured for breaching the Code of Conduct by posting what the Council considers is a confidential email online and then by acting in a disrespectful manner towards the Clerk. Breaches of the Code found:

2.1 You must treat other with respect

2.8 You must not disclose information given to you in confidence by anyone

2.10 - You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute

2.5 - You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members

Cllr Lanyon was instructed by the Monitoring Officer to apologise within 28 days to the developer for disclosing information provided in confidence and if he opted not to apologise to the developer it was recommended to the

Parish Council that he is censured. For failing to treat the Complainant with respect it was recommended to the Parish Council that the Subject Member is censured. Cllr Lanyon has opted not to apologise to either the developer or the Clerk.

An individual Councillor's actions and conduct will always reflect on the wider role of a Councillor and, as a direct consequence, will inevitably impact on the reputation of their fellow Councillors and the Council as a whole both generally and specifically. This Council believes that it is incumbent on all Councillors to ensure the public have confidence and trust in their elected representatives, the Council is disappointed that Cllr Lanyon's actions are not in keeping with this belief."

19/197 CORNWALL COUNCILLOR KACZMAREK'S REPORT

- Cornwall Cllr Kaczmarek reported that a member of public who witnessed a recent incident of fly tipping is not prepared to give an eyewitness statement due to fears of recrimination. Photographic evidence has been submitted and Cllr Kaczmarek hopes that it is sufficient to still pursue this case. The case is being handled by the Police and Environmental Protection Team. Two eyewitness statements have been obtained regarding a different incident of fly tipping.
- He has received further complaints from a local resident regarding damage to the verge on the United Downs to Mount Wellington road, causing a dangerous drop off at the edge of the highway. This is caused primarily by the volume of HGVs that use the road and drive onto the verge to pass vehicles or other HGVs. This has been reported to Highways who hope to reinstate the verge, but note that resources and other options are limited.
- Flood lights continue to shine down on nearby properties that sit below the Poldice Equestrian Centre at Carharrack. An all-party agency meeting has been postponed, but the Clerk reported that a meeting of the site owner and local residents is planned.
- He notes a pre-app for erection of 9 houses on the site of the arena at Poldice Equestrian Centre.
- Cormac and South West Water have confirmed that they will resolve a water leak on the highway at Comford.
- Cllr Kaczmarek gave out his new mobile number, 07907 334113.
- He encourages people to attend the annual St Piran's Quiz at the Cornish Arms which is charity fundraising event at which he is Quiz Master!
- He will be attending CC's forthcoming budget meeting. CC receive insufficient funding from government. Council Tax is expected to rise to meet increased costs for Adult Social Care in particular.
- Cllr Kaczmarek thanked the Clerk for her commitment to the parish, and support, during her time in the role, following her resignation.
- There have been some recent incidents at Wheal Jewel, and court action has been postponed to September.

19/198 PLANNING

a) To receive and comment on planning applications:

PA19/08653 Proposed construction of a sand school at land to Treviskey House, Lanner, TR16 6AT

RESOLUTION: Cllr Lanyon proposed that the application be supported but request a condition that prevents the use of flood lights, in line with the Dark Sky initiative. This was seconded by Cllr Hallett and carried unanimously by the Council

PA20/00225 Infill of recess to give increased kitchen/dining area & improved natural light at The Old Mill, Hicks Mill

RESOLUTION: Cllr Patton proposed that the Council object to this application, on the grounds that the current proposed design is not sympathetic to the grade II listed dwelling, and is not acceptable to the Parish Council. The Parish Council supports development of the area in principle, to create improved internal space and natural light, but would like to see the design altered so that the development is more in keeping with the host dwelling. The proposal was seconded by Cllr Lanyon and carried unanimously by the Council.

PA20/00226 Listed building consent for infill of recess to give increased kitchen/dining area & improved natural light at The Old Mill, Hicks Mill

RESOLUTION: The Council unanimously resolved to object to this application on the same grounds as PA20/00225.

PA20/00590 Erection of a dwelling, garage and office at The Old Quarry, Hicks Mill

RESOLUTION: Cllr Lanyon proposed that the application be supported, this was seconded by Cllr Forrest and carried unanimously by the Council.

PA20/00882 Application for works to trees within a conservation area at Trevarth Manor, Gwennap
No consultee response was required for this application, but Council had no objections to the proposed works.

b) For info only (i.e. not for consultee consultation)

PA20/00019/PREAPP Pre-application advice for new dwelling at land adjacent to Oak Tree Farm, Bissoe

PA20/00024/PREAPP Pre-application advice for replacement of redundant farm buildings with a new dwelling at Britannia Farm, Sunny Corner. The Council noted correspondence received from the applicant on this application.

PA20/00238/PREAPP Pre-application advice for demolition of equestrian arena, proposed residential development of up to 9 dwellings at Poldice Equestrian Centre, Chenhale Farm, Carharrack. Council noted that this site lies within the parish of Carharrack but agreed that since it is so close to the parish boundary that it will follow the application.

c) To receive and comment on planning applications received too late to be included on agenda

PA20/00969 Listed building consent for formation of new opening in kitchen wall, removal of modern kitchen wall and reinstatement of original opening to rear hall. Deferred to March meeting to allow public consultation.

PA20/01012 Proposed extension and alterations to dwelling and associated works at Coombe Hill House, Coombe Hill, Bissoe Deferred to March meeting to allow public consultation.

d) To note planning decisions

PA19/10675 Proposed 30% crown thin & crown raise over the road to 5.5m to Oak at 7 Chellean Vean, Frogpool APPROVED with conditions

PA19/10049 To establish the lawful use of land for the siting of a caravan used for residential purposes at Pascoe's Croft, land west of Cusgarne Wollas, Cusgarne GRANTED

PA19/02765 Pre-application for plot subdivision to create a new single dwelling on an existing large residential single dwelling plot at 7 Chellean Vean, Frogpool ADVICE GIVEN, principle of development potentially acceptable.

e) Update on ongoing planning enforcements (to be discussed in closed session in line with Cornwall Council's protocol for Enforcement cases and in accordance with Standing Order 48)

f) To note planning appeals or inquiries - None

g) To report any planning problems or possible breaches - None

19/199 MINUTES OF PREVIOUS MEETING

The Minutes of the January's meeting of the Parish Council were approved and signed as an accurate record.

19/200 MATTERS ARISING – REPORT BY THE CLERK

19/155 At January's meeting, Cllr Lanyon challenged the Minutes of November's meeting, being of the opinion that a member of the public (Mr Hall) had asked for his comment to be minuted, but that the Clerk had not done so. Having looked back at her notes the Clerk confirmed that Cllr Lanyon is correct, in the public clinic Mr Hall asked for it to be minuted that some parishioners were unhappy with the way in which a possible development at United Downs had been communicated to the community.

19/160.2 The Clerk reported that most highways are checked 6 weekly and swept if required. Some rural roads are swept once or twice a year depending on standards. The roads get checked and litter picked as required. Biffa and Cornwall Council monitor the roads and the standards to see if extra cleaning is required. The Clerk suggested that when the road from Crofthandy to United Downs needs cleaning to report it to the Clerk who can report it to Biffa and request for it to be swept/litter picked.

19/164.2 The Football club have confirmed that they would like to purchase the container at the rear of the Parish Rooms for £2,700, and have confirmed that they will remove their old container once the ground dries up. The Clerk will liaise with the club re payment. Cllr Hallett reported that the oak and holly trees will need pruning back before the old container is removed from site.

19/172 The Clerk attended a site meeting with Mr Morford to inspect bridleway 307/01/1. Since the meeting, The Pines Care home has repaired the surface of the bridleway so that matter has now been resolved. The Clerk has emailed Cornwall Council to request that the drainage ditches be cleared, to aid water drainage from the lane.

19/172 Following a meeting between the farmer Mr Pryor, and the Head of Cusgarne School, preventative measures have been carried out to divert water away from the footpath, but also away from the school. This has improved the situation, but further long term measures still need to be agreed with the Countryside Access Team.

19/173 A multi-agency meeting re Poldice Equestrian Centre has been postponed. This is being coordinated by St Day Parish Council.

19/182.1 The Clerk advised that the PROW cutting contract is not due for re-tendering until Jan 2021 so only the grass cutting contract currently needs to go out to tender.

19/186.1 An inspection of the playing field & play park trees has been carried out, see Minute Ref. 19/208.1.

19/201 TO RESCIND PREVIOUS DECISION & REASSESS GRANT APPLICATION DISCUSSED AT JANUARY'S MEETING

201.1 The Chair advised that having referred to the Council's Grant Policy, and obtained advice from CALC, it had become clear that the Council's previous approval of a grant (by waiving room hire costs for 1 year) for Yoga with Caroline was not in line with the Council's Grant Policy.

RESOLUTION: Cllr Patton proposed that the Council rescind the decision to waive room hire costs for 1 year. This was carried unanimously by the Council.

- 201.2 The Council reconsidered the grant application received from Yoga with Caroline.

RESOLUTION: Cllr Patton proposed that the Council refuse the application because it is not in line with the Council's Grant Policy conditions. This was carried unanimously.

19/202 CORRESPONDENCE

- 202.1 The Local Maintenance Partnership 2020/21 offer of grant (£2,935.25) was noted and discussed at Minute ref. 19/204.1.

- 202.2 An email from a local resident re off-road motorcycles using Wheal Maid valley was discussed. Cllr Lanyon agreed to act as the Council's Lead and first point of contact for matters relating to off-road vehicles at Wheal Maid. Councillors agreed that it could ask Cornwall Council what its plans are to create provision for off road biking activities within local area. Wheal Maid is not suitable because of the contamination and its location within a World Heritage Site. The Illegal Use of PROW meetings are a good opportunity for the Parish Council to have that conversation – Cllr Pascoe to action at its next meeting. Attendance at those meetings is important.

- 202.3 An email from local resident re road safety on Clifford Hill (Bissoe to United Downs) was noted. The Clerk will contact Highways and ask if some measures can be implemented.

- 202.4 A letter from Superfast Cornwall ref. offer to provide 18 months broadband connectivity and loan of 2 laptops for Gwennap Parish Rooms for digital inclusion activity was approved by the Council and signed by the Clerk.

- 202.5 A Lotteries Licence renewal reminder was discussed by the Council.

RESOLUTION: Cllr Patton proposed that the Council renew the licence (£20), this was seconded by Cllr Lanyon and carried unanimously by the Council. Clerk to action.

- 202.6 Mrs Rollason's request to hold a Dogs Days Out dog show event at the playing field was discussed by the Council. The Council commend Mrs Rollason for her fund raising work and understand her reasons for wanting to hold the event on site at the club's football ground.

RESOLUTION: Cllr Forrest proposed that the request be refused on the grounds that the Parish Council believes that allowing a one day lift of the no-dogs policy could be challenged by the community, and could lead to members of the public flouting the rule in the future, or other dog show providers requesting similar permissions. To support the football club in its fund raising Cllr Forrest proposed that 1) the club could pay for the container in two instalments (½ upfront and ½ at the end of the season) to save them depleting their cash reserves now, 2) remind the club that they could a) apply to the Parish Council for a grant, and b) apply to Cornwall Cllr Kaczmarek's Community Chest Fund which reopens on 1st April. This was seconded by Cllr Lanyon and carried unanimously.

19/203 REPORTS ON EXTERNAL MEETINGS ATTENDED

- 203.1 Cllrs Patton & Hallett attended the CPIR Environment and Climate Group meeting which was very useful.

- 203.2 Cllr Patton & the Clerk attended a meeting with Mr S Dann of Mining Eye to discuss regular inspections of Wheal Maid. Mr Dann has provided a proposal and quote. Cllr Patton is obtaining advice from a second source (the Wheal Jane Group) for comparative purposes, and both proposals and quotes will be put on the agenda for discussion at a future meeting.

- 203.3 Cllr Forrest and the Clerk attended a meeting with the Community Link Officer to discuss progress on the Community Emergency Plan. A workshop for volunteers is scheduled for 12th March. All Cllrs to attend if possible.

- 203.4 Cllr Forrest and the Clerk attended the MVRG meeting on 23rd January. Speakers included one of CC's Senior Waste Managers to discuss the closure of the United Downs HWRC which will happen – members are frustrated that CC will not consider keeping it open. Cllrs agreed that when the time comes all direction signs to the HWRC should be overlaid with CLOSED to avoid wasted journeys. Other speakers included Cornwall CLT ref affordable housing schemes, and the School for Social Enterprises.

- 203.5 Cllr Pascoe attended the Illegal Use of Public Rights of Way meeting which was well attended. CC are creating an online Report It form for reporting of incidents of illegal use of PROW. They need as much detail as possible to be valuable evidence. This Report It tool will help gather data on volume and location of incidents. This can be advertised via the Parish Council's website, Facebook page & parish newsletter.

- 203.6 The Clerk attended and Clerked the meeting of the Geothermal Community Liaison Group.

19/204 PUBLIC RIGHTS OF WAY/OPEN SPACES/ENVIRONMENT

- 204.1 **RESOLUTION:** The Council unanimously resolved to approve the Local Maintenance Partnership 2020/21 offer of grant (£2,935.25). Clerk to action.

- 204.2 Council discussed what action can be taken by the PC to reduce anti-social behaviour of motorbikes at Wheal Maid. This was discussed earlier in the meeting (Minute ref. 19/202.2).

19/205 WHEAL MAID

- 205.1 Cllr Lanyon will forward the monthly Wheal Maid Inspection Report to the Clerk.

- 205.2 A request to shoot some film on 'Cornish Mars' (Wheal Maid) was approved, providing they understand and accept the risks associated with filming in a closed tailings facility, including, but not limited to contamination and mine shafts, of which some are uncapped.

- 205.3 Council discussed Mr Dann's proposal and quote for regular inspections of Wheal Maid. It also discussed some initial findings by Mr S Dann of Mining Eye. Council delegated responsibility for resolving matters considered to be high risk to the Chair, Vice Chair & Clerk.
- 205.4 Cllr Patton will obtain a second proposal and quote for carrying out regular inspections, from the Wheal Jane Group, for comparative purposes.
- 205.6 Council discussed liabilities of managing Wheal Maid, and mineral rights on the land. Clerk to investigate if the mineral rights owner has responsibility for shafts on the land. Councillors raised concerns about their personal liability, should a serious incident occur. Clerk to seek advice from CALC and CC.

19/206 HIGHWAYS – Nothing further to report.

19/207 FROGPOOL CEMETERY – Nothing to report.

19/208 PARISH ROOMS AND PLAYING FIELD

- 208.1 Council discussed a Tree Inspection Report prepared by Colin Hawke Forestreet, ref. 2019/048. No immediate tree works are required. Mr Hawke will return in June/July to inspect the ash trees for dieback, but the Council knows that several of the ash trees are afflicted with the disease and will have to be removed. It is thought that they are best replaced with Rowan trees.
- 208.2 Cllr Hallett advised that wood chippings will be spread around the base of the tree saplings along the edge of the new parking area. Cllr Lanyon questioned why these trees had been planted, Cllr Hallett explained that it was for demarcation of the new parking area, since the kerb is at ground level and once the top soil and grass have been laid and grow there would have been limited visible demarcation.

19/209 WORKING GROUPS/PROJECT REPORT UPDATES

- 209.1 United Downs Deep Geothermal Power Project – a water storage pond is being constructed and delivery of the workover rig has been delayed until early spring.
- 209.2 Cornish Lithium – the Clerk read a project update from Cornish Lithium's Operations Manager, drilling of the first borehole has been completed and reached a total depth of 1,097m. Fluid samples have been taken from this borehole for analysis and digital downhole logs have been completed. The site at Tregarlands Farm will be made good and the Cornish hedge and gateway reinstated. Drilling of the second borehole is underway at United Downs Industrial Estate. This borehole will be drilled to a depth of 850-1,200m depending on geological conditions. It is anticipated that drilling will be completed by the end of April.
- 209.3 Neighbourhood Development Plan – the NDP Referendum date is 27th February, all houses have received a flyer reminding electors of the date and the importance of voting.
- 209.4 Community Land Trust Housing Working Group – delayed due to ongoing negotiations re fees
- 209.5 Community Transport Scheme – *Council resolved to put this project on hold until it has more time to invest in launching the scheme.*
- 209.6 Environment & Climate Emergency Working Group –
 - The E&CE Working Group met recently, they intend to meeting monthly in future.
 - *Cllr Hallett proposed that the Council become a Charter Branch of the Woodland Trust (at no cost to the Council), by pledging to follow the Woodland Trust's principles. This may also help the Council obtain some trees from the trust, for further planting in the parish. Cllr Pascoe seconded the proposal which was carried unanimously by the Council.*
- 209.7 Community Emergency Plan – Cllr Forrest provided an update on progress to date with the CEP, with a good list of volunteers with useful skills or resources, and five venues within the parish prepared to act as an emergency meeting point or accommodation in the event of an emergency. All Cllrs are asked to attend the CEP workshop on 12th March 7-8.30pm. Target CEP completion by end of April.

19/210 FINANCE

- 210.1 Cllrs Hallett and Hitchens signed the Bank Mandate to update the signatory list.
- 210.2 Income received since the last meeting was recorded as follows: Room hire £322, Newsletter advertising £303, Burial £675, Mr & Mrs Jones 50% contribution towards tree pruning £150 Total income £1,450.00.
- 210.3 February's petty cash spend of £55.87 was noted. Transfer of £0 to the petty cash account was approved.
- 210.4 The following payments were authorised:

Avalon Fire Protection	Annual Extinguisher Service Check 2019	£41.40
Information Commissioner's Office	Data Protection Renewal	£35.00
BT	Phone & broadband	£152.51
Mr R Hallett	Litter picking duties February	£76.05
Mr A Collins	Litter picking duties February	£107.55
Ann Gazzard	Playing field duties February	£207.77
Naturally Green	Tree work at playing field (prune boundary trees overhanging the Cottage)	£360.00
Colin Hawke Forestreet	Tree inspection and management advice	£300.00
Mrs F Barnard	Salary & expenses February	£992.16

HMRC	Employee & Employer NIC January	£92.15
Avalon Fire Protection	Annual Extinguisher Service Check 2020	£41.40
Cormac Solutions	MSAS posts	£830.93
Cornwall Council	Memorial Permit pads x2 no	£22.22
Cornwall Council	NDP Referendum Flyer - envelope stuffing	£79.05
Cornwall Council	NDP Referendum Flyer - printing cost	£119.15
SLR Consulting Ltd	Wheal Maid Site Inspection and work to date	* £2,364.71
	Total	£5,822.05

*cost approved but payment withheld until SLR Interim Report received. Clerk to pay upon receipt of report.

19/211 ANY OTHER BUSINESS / MATTERS TO CARRY FORWARD TO NEXT MEETING

- 211.1 Council noted the Clerk's resignation, tendered in writing on 6th February. The deadline for applications is 3rd March, with interviews planned for 9th March, with the successful candidate attending the March meeting.
- 211.2 Council discussed the need for the car boot organisers to open a new bank account. *Cllr Patton proposed that the Clerk draft a letter confirming that the Parish Council are no longer a member of the GPPA, but that it is happy for the GPPA to open a bank account in that name to bank proceeds from the car boot sales, to be reinvested into the playing field, playpark and parish rooms. The proposal was seconded by Cllr Lanyon and carried unanimously by the Council. Clerk to action.*
- 211.3 The Clerk reminded Council of the Incident Report Card training on 26th February, immediately followed by GDPR and refresher training delivered by CALC, that all Cllrs are required to attend.
- 211.4 New Councillor to fill current vacancy – deadline for request for election is 3rd March, after which the Parish Council can fill the vacancy by co-option.
- 211.5 Cllr Pascoe gave her apologies for the March meeting.

19/212 CLOSED SESSION, to discuss items of a confidential nature, in accordance with Standing Order 48

None.

Meeting closed at 9.57pm

Signed..... ..... Chair (19th March 2020)
Approved by the Council by telephone conference